

§ 134.31

19 CFR Ch. I (4–1–05 Edition)

(c) *Time of filing.* The certification statement shall be filed with the port director at the time of entry summary. If the certification is not available at that time, a bond shall be given for its production in accordance with § 141.66, Customs Regulations (19 CFR 141.66). In case of repeated failure to timely file the certification required under this subsection, the port director may decline to accept a bond for the missing document and demand redelivery of the merchandise under § 134.51, Customs Regulations (19 CFR 134.51).

(d) *Notice to subsequent purchaser or repacker.* If the article is sold or transferred to a subsequent purchaser or repacker the following notice shall be given to the purchaser or repacker:

NOTICE TO SUBSEQUENT PURCHASER OR REPACKER

These articles are imported. The requirements of 19 U.S.C. 1304 and 19 CFR part 134 provide that the articles in their containers must be marked in a conspicuous place as legibly, indelibly and permanently as the nature of the article or container will permit, in such a manner as to indicate to an ultimate purchaser in the United States, the English name of the country of origin of the article.

(e) *Duties and penalties.* Failure to comply with the certification requirements in paragraph (a) may subject the importer to a demand for liquidated damages under § 134.54(a) and for the additional duty under 19 U.S.C. 1304. Fraud or negligence by any person in furnishing the required certification may also result in a penalty under 19 U.S.C. 1592.

(f) *Exceptions.* The requirements of this section do not apply to repackaging in a container that can readily be opened for inspection by the ultimate purchaser in the United States, unless such container bears a U.S. address or other potentially misleading marking.

[T.D. 84–127, 49 FR 22795, June 1, 1984]

Subpart D—Exceptions to Marking Requirements

§ 134.31 Requirements of other agencies.

Nothing in this subpart shall be construed as excepting any article (or its

container) from the particular requirements of marking provided for in any other provision of any law, such as those of the Federal Trade Commission, Food and Drug Administration, and other agencies.

§ 134.32 General exceptions to marking requirements.

The articles described or meeting the specified conditions set forth below are excepted from marking requirements (see subpart C of this part for marking of the containers):

(a) Articles that are incapable of being marked;

(b) Articles that cannot be marked prior to shipment to the United States without injury;

(c) Articles that cannot be marked prior to shipment to the United States except at an expense economically prohibitive of its importation;

(d) Articles for which the marking of the containers will reasonably indicate the origin of the articles;

(e) Articles which are crude substances;

(f) Articles imported for use by the importer and not intended for sale in their imported or any other form;

(g) Articles to be processed in the United States by the importer or for his account otherwise than for the purpose of concealing the origin of such articles and in such manner that any mark contemplated by this part would necessarily be obliterated, destroyed, or permanently concealed;

(h) Articles for which the ultimate purchaser must necessarily know, or in the case of a good of a NAFTA country, must reasonably know, the country of origin by reason of the circumstances of their importation or by reason of the character of the articles even though they are not marked to indicate their origin;

(i) Articles which were produced more than 20 years prior to their importation into the United States;

(j) Articles entered or withdrawn from warehouse for immediate exportation or for transportation and exportation;

(k) Products of American fisheries which are free of duty;

(l) Products of possessions of the United States;

(m) Products of the United States exported and returned;

(n) Articles exempt from duty under §§10.151 through 10.153, 145.31 or 145.32 of this chapter;

(o) Articles which cannot be marked after importation except at an expense that would be economically prohibitive unless the importer, producer, seller, or shipper failed to mark the articles before importation to avoid meeting the requirements of the law;

(p) Goods of a NAFTA country which are original works of art; and

(q) Goods of a NAFTA country which are provided for in subheading 6904.10 or heading 8541 or 8542 of the Harmonized Tariff Schedule of the United States (HTSUS) (19 U.S.C. 1202).

[T.D. 72-262, 37 FR 20318, Sept. 29, 1972, as amended by T.D. 73-135, 38 FR 13369, May 21, 1973; T.D. 73-175, 38 FR 17447, July 2, 1973; T.D. 94-1, 58 FR 69471, Dec. 30, 1993; T.D. 94-4, 59 FR 140, Jan. 3, 1994; T.D. 96-48, 61 FR 28980, June 6, 1996]

§ 134.33 J-List exceptions.

Articles of a class or kind listed below are excepted from the requirements of country of origin marking in accordance with the provisions of section 304(a)(3)(J), Tariff Act of 1930, as amended (19 U.S.C. 1304(a)(3)(J)). However, in the case of any article described in this list which is imported in a container, the outermost container in which the article ordinarily reaches the ultimate purchaser is required to be marked to indicate the origin of its contents in accordance with the requirements of subpart C of this part. All articles are listed in Treasury Decisions 49690, 49835, and 49896. A reference different from the foregoing indicates an amendment.

| Articles | References |
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| Art, works of. | |
| Articles classified under subheadings 9810.00.15, 9810.00.25, 9810.00.40 and 9810.00.45, Harmonized Tariff Schedule of the United States. | T.D. 66-153. |
| Articles entered in good faith as antiques and rejected as unauthentic. | |
| Bagging, waste. | |
| Bags, jute. | |
| Bands, steel. | |
| Beads, unstrung. | |
| Bearings, ball, $\frac{5}{8}$ -inch or less in diameter. | |
| Blanks, metal, to be plated. | |

| Articles | References |
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| Bodies, harvest hat. | |
| Bolts, nuts, and washers. | |
| Briarwood in blocks. | |
| Briquettes, coal or coke. | |
| Buckles, 1 inch or less in greatest dimension. | |
| Burlap. | |
| Buttons. | |
| Cards, playing. | |
| Cellophane and celluloid in sheets, bands, or strips. | |
| Chemicals, drugs, medicinal, and similar substances, when imported in capsules, pills, tablets, lozenges, or troches. | |
| Cigars and cigarettes. | |
| Covers, straw bottle. | |
| Dies, diamond wire, unmounted. | |
| Dowels, wooden. | |
| Effects, theatrical. | |
| Eggs. | |
| Feathers. | |
| Firewood. | |
| Flooring, not further manufactured than planed, tongued and grooved. | T.D.s 49750; 50366(6). |
| Flowers, artificial, except bunches. | |
| Flowers, cut. | |
| Glass, cut to shape and size for use in clocks, hand, pocket, and purse mirrors, and other glass of similar shapes and sizes, not including lenses or watch crystals. | |
| Glides, furniture, except glides with prongs. | |
| Hairnets. | |
| Hides, raw. | |
| Hooks, fish (except snelled fish hooks). | T.D. 50205(3). |
| Hoops (wood), barrel. | |
| Laths. | |
| Leather, except finished. | |
| Livestock. | |
| Lumber, sawed | T.D.s 49750; 50366(6). |
| Metal bars, except concrete reinforcement bars; billets, blocks, blooms; ingots; pigs; plates; sheets, except galvanized sheets; shafting; slabs; and metal in similar forms. | |
| Mica not further manufactured than cut or stamped to dimensions, shape or form. | |
| Monuments. | |
| Nails, spikes, and staples. | |
| Natural products, such as vegetables, fruits, nuts, berries, and live or dead animals, fish and birds; all the foregoing which are in their natural state or not advanced in any manner further than is necessary for their safe transportation. | |
| Nets, bottle, wire. | |
| Paper, newsprint. | |
| Paper, stencil. | |
| Paper, stock. | |
| Parchment and vellum. | |
| Parts for machines imported from same country as parts. | |
| Pickets (wood). | |
| Pins, tuning. | |